

**Title 16. Respiratory Care Board  
Department of Consumer Affairs**

**NOTICE OF PROPOSED CHANGES**

NOTICE IS HEREBY GIVEN that the Respiratory Care Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Respiratory Care Board, 444 North 3<sup>rd</sup> Street, Suite 270, in Sacramento, California at 10:00 a.m. on March 28, 2006. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Respiratory Care Board at its office not later than 5:00 p.m. on March 27, 2006, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by section 3722 of the Business and Professions Code, and to implement, interpret or make specific sections 3766, 3767, and 3768 of said Code, the Respiratory Care Board is considering changes to Division 13.6 of Title 16 of the California Code of Regulations.

**INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW**

Business and Professions Code section 3766 authorizes the Respiratory Care Board to issue a citation containing an order of abatement and civil penalties against a person, and a person employing or contracting with a person, who acts in the capacity of, or engages in the business of, a respiratory care practitioner in this state without having a license in good standing.

Business and Professions Code section 3767 states the board shall adopt regulations covering the assessment of a civil penalty that shall give due consideration to the gravity of the violation, and any history of previous violations.

This proposal would set forth the guidelines for the issuance and appeal of administrative citations and fines on persons, and those who employ them, when acting in the capacity of, or engaging in the business of, a respiratory care practitioner in this state without a license in good standing.

**FISCAL IMPACT ESTIMATES**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: NONE

Nondiscretionary Costs/Savings to Local Agencies: NONE

Local Mandate: NONE

Cost to Any Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: NONE

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact of Jobs/new Businesses:

The Respiratory Care Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Respiratory Care Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing: NONE

**EFFECT ON SMALL BUSINESS**

The Respiratory Care Board has determined that the proposed regulations will not affect small businesses. All businesses, including small businesses, are currently responsible for ensuring that their employees who practice respiratory care in this state possess a respiratory care practitioner license in good standing issued pursuant to the Respiratory Care Practice Act.

**CONSIDERATION OF ALTERNATIVES**

The Respiratory Care Board must determine that no reasonable alternative which is considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in the Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS AND INFORMATION**

The Respiratory Care Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing by accessing the board's website at [www.rcb.ca.gov](http://www.rcb.ca.gov) or upon request from the Respiratory Care Board at 444 North 3<sup>rd</sup> Street, Suite 270, Sacramento, CA 95814.

**AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person name below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

**CONTACT PERSON**

Inquiries or comments concerning the proposed administrative action may be addressed to:

Liane Zimmerman, Assistant Executive Officer  
Respiratory Care Board of California  
444 North 3<sup>rd</sup> Street, Suite 270  
Sacramento, CA 95814  
(916) 323-9983  
[rcbinfo@dca.ca.gov](mailto:rcbinfo@dca.ca.gov)

The backup contact person is:

Stephanie Nunez, Executive Officer  
Respiratory Care Board of California  
444 North 3<sup>rd</sup> Street, Suite 270  
Sacramento, CA 95814  
(916) 323-9983  
[rcbinfo@dca.ca.gov](mailto:rcbinfo@dca.ca.gov)

Inquiries concerning the substance of the proposed regulations may be addressed to:

Liane Zimmerman, Assistant Executive Officer  
Respiratory Care Board of California  
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Sacramento, CA 95814  
(916) 323-9983  
[rcbinfo@dca.ca.gov](mailto:rcbinfo@dca.ca.gov)

Website access: Materials regarding this proposal can be found at [www.rcb.ca.gov](http://www.rcb.ca.gov).